

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS

No. 6:20-cv-00132

Damotress Bailey,
Plaintiff,

v.

Commissioner, Social Security Administration,
Defendant.

Before BARKER, *District Judge*

ORDER

On March 18, 2020, plaintiff Damotress Bailey filed this civil action pursuant to the Social Security Act, 42 U.S.C. § 205(g), for judicial review of the commissioner's denial of plaintiff's application for social security benefits. Doc. 1. The case was referred to United States Magistrate Judge John D. Love pursuant to 28 U.S.C. § 636. Doc. 2.

On March 19, 2020, Judge Love issued a sealed order directing plaintiff's counsel to either: "(1) voluntarily dismiss this action; (2) pay the total \$400 filing fee; or (3) refile a motion to proceed *in forma pauperis* with a complete, accurate, and truthful affidavit reflecting plaintiff's inability to pay the filing fee." Doc. 4. Plaintiff's counsel was emailed that order the next day, and mailed the order via certified mail, return receipt requested. More than a month passed, and plaintiff's counsel took no action.

On May 6, 2020, Judge Love issued a report and recommendation that plaintiff's complaint be dismissed for failure to prosecute and failure to comply with a court order. Doc. 5. Plaintiff's counsel was served with the report that same day via the court's electronic filing system. *See id.* The report informed plaintiff of his right to file written objections within 14 days and warned that a failure to do so would bar a party from de novo review by the district judge. *Id.* More than 14

days have passed since plaintiff received the report and recommendation. No objections have been filed.

The court finds no “clear error on the face of the record.” *Douglass v. United Servs. Auto. Ass’n*, 79 F.3d 1415, 1420 (5th Cir. 1996) (en banc). Accordingly, the report and recommendation (Doc. 5) is **adopted**. Fed. R. Civ. P. 72(b)(3). Plaintiff’s complaint is **dismissed without prejudice** for failure to prosecute and failure to comply with a court order. The clerk of court is **directed** to close the case.

So ordered by the court on June 15, 2020.

A handwritten signature in black ink, appearing to read "J. Campbell Barker", is written over a horizontal line.

J. CAMPBELL BARKER
United States District Judge